

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

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| Case No. | CV 08-5546 CAS (JWJx) | Date | November 6, 2008 |
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| Title | BANK OF AMERICA, N.A.; ET AL. v. HANSEL LEE; ET AL. |
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| Present: The Honorable | CHRISTINA A. SNYDER |
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| CATHERINE JEANG | Not present | N/A |
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| Deputy Clerk | Court Reporter / Recorder | Tape No. |
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| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: |
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| Not present | Not present |
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Proceedings: **PLAINTIFFS' EX PARTE APPLICATION FOR AN ORDER HOLDING DEFENDANT HANSEL LEE IN CIVIL CONTEMPT FOR VIOLATING THE COURT'S PRELIMINARY INJUNCTION OR ALTERNATIVELY REQUEST FOR AN OSC RE CONTEMPT ORDER** (filed 10/31/08)

On October 31, 2008, plaintiffs filed the instant ex parte application for an order holding defendant Hansel Lee in civil contempt for violating the Court's preliminary injunction, issued on September 25, 2008. On November 5, 2008, defendant filed his opposition and plaintiffs filed their reply.

Plaintiffs argue that defendant violated the Court's preliminary injunction, which enjoins Lee from "contacting any BAI employee for the purpose of requesting any information pertaining to any BAI client," by exchanging nine text messages with Roger Rodas, one of plaintiffs' employees. September 25, 2008 Order at 3. After reviewing the text messages, the Court concludes that Lee's contact with Rodas was not for the purpose of requesting information pertaining to plaintiffs' clients. Rather, it appears that Lee was instructing Rodas not to contact his clients or speak poorly of him to former clients. See Opp'n Ex. A. Accordingly, the Court DENIES plaintiffs' ex parte application without prejudice.

IT IS SO ORDERED.

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Initials of Preparer

CMJ